

REMARKS

Applicant respectfully requests consideration and allowance of the subject application. Claims 1-54 are pending in this application.

The claims are subjected to a restriction requirement under 35 U.S.C. §121 as containing two distinct inventions:

- I. Claims 1-13 drawn to a method of using a button array, classified in class 715, subclass 840; and
- II. Claims 14-54 drawn to a method of identifying a media list, classified in class 715, subclass 749.

Applicant hereby elects, with traverse, to prosecute Group II (claims 14-54) in the event that the restriction requirement is maintained.

Applicant respectfully points out that the claims of Group I (claims 1-13) are not drawn to a method as characterized by the Office, above, but instead are directed to a graphical user interface (GUI). Hence, the GUI of Group I complements the methods, apparatuses, and media of Group II.

Applicant respectfully submits that searching the elements of the claims of Group II would entail the same search as for the elements of the claims of Group I. Thus, Applicant respectfully submits that such a search cannot be used as a basis for characterizing Group I and Group II as different inventions.

Furthermore, MPEP 803 states:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

Applicant contends that the search and examination of claims 1-54 can be made without serious burden to the Examiner because the search required for Group II will require searching for elements that are included in one or more of the claims in Group I.

Thus, Applicant respectfully submits that the restriction requirement is improper and should be withdrawn.

Conclusion

Applicant respectfully requests withdrawal of the restriction requirement,
and issuance of the subject application.

Respectfully Submitted,

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